

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Michael R. Donlon

v.

Civil No. 10-cv-559-PB

James O'Mara, Superintendent,
Hillsborough County Department
of Corrections¹

O R D E R

Before the Court is Michael Donlon's complaint (doc. no. 1), filed pursuant to 42 U.S.C. § 1983, alleging violations of his First, Fourteenth, and Eighth Amendment rights, as well as his rights under state law. The matter is presently before the Court for preliminary review to determine whether or not the complaint states any claim upon which relief might be granted.² See 28 U.S.C. § 1915A (requiring court to screen prisoner civil actions); United States District Court District of New Hampshire

¹In addition to O'Mara, Donlon names Hillsborough County Department of Corrections Assistant Superintendent David Dionne, Nurse Denise Ryan, Dr. Matthew Masewic, and Corrections Officer Raymond (first name unknown) as defendants to this action.

²Also pending before the Court is plaintiff's motion for preliminary injunctive relief (doc. no. 9). This Order, and the Report and Recommendation issued simultaneously therewith, do not address plaintiff's request for preliminary injunctive relief. The findings here pertain only to the statutorily required initial review of prisoner-filed pleadings. See 28 U.S.C. § 1915A.

Local Rule ("LR") 4.3(d)(2) (authorizing magistrate judge to conduct preliminary review of complaints filed by prisoners).

As fully explained in the Report and Recommendation issued simultaneously with this Order, the Court finds that Donlon has stated an Eighth Amendment medical care claim, state law negligence claim, and First Amendment retaliation claim upon which relief might be granted.³ The Court now directs that these claims be served on defendants.

The Court's review of the file indicates that plaintiff has completed summons forms for each of the above-named defendants. Accordingly, the Clerk's Office is now directed to issue the summonses against defendants and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint (doc. no. 1), the Report and Recommendation issued this date, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Donlon is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on

³ In the Report and Recommendation issued simultaneously with this Order, the Court recommends that the remaining due process claim in the complaint be dismissed.

the defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: February 4, 2011

cc: Michael R. Donlon, pro se
Carolyn Kirby, Esq.

LBM:jba